BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
or Suspension of the Educator's	ORDER OF
Certificate of Jason B. McSwain	PERMANENT REVOCATION
Certificate # 202761	COF

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2003. On January 7, 2003, the State Board issued an order summarily suspending the South Carolina educator's certificate (certificate) number 202761 issued to Jason B. McSwain. On January 8, 2003, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his certificate to Mr. McSwain by certified mail, return receipt requested, delivery restricted to addressee. Mr. McSwain received the notice, as evidenced by the signed postal receipt. Mr. McSwain did not request a hearing and is in default. After considering the evidence presented, the State Board voted to permanently revoke Mr. McSwain's teaching certificate # 202761.

FINDINGS OF FACT

Mr. McSwain holds a valid South Carolina certificate, and has over two years of teaching experience. He was under contract with the Cherokee County School District (District) for the 2002-2003 school year as a teacher and coach at Gaffney High School. On December 11, 2002, he was suspended following an investigation by the District into allegations that he had a sexual relationship with a fifteen-year-old female student. On December 13, 2002, he resigned his employment with the District. On December 14, 2002, he was arrested and charged with criminal sexual conduct with minor based on this incident. Since that time, more minor females have come forward to allege that they

had sexual encounters with Mr. McSwain. To date, he has been charged with two counts of

criminal sexual conduct with a minor, second degree, and three counts of contributing to the

delinquency of a minor.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the

certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes:

"Unprofessional conduct, Immorality, Any conduct involving moral turpitude, Crime against the law

of this State or the United States, and Evident unfitness for position for which employed." S.C.

Code Ann. § 59-25-160 (1990). The State Board finds that the preponderance of the evidence

presented, which is undisputed by Mr. McSwain, supports its decision to permanently revoke Mr.

McSwain's teaching certificate # 202761, effective February 11, 2003.

South Carolina State Board of Education

By: /S/Greg Killian Chair

Columbia, South Carolina February 11, 2003